

Dated: February 15, 2001.

**Al Matera,**

*Acting Director, Federal Acquisition Policy Division.*

[FR Doc. 01-4234 Filed 2-20-01; 8:45 am]

BILLING CODE 6820-34-U

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Announcement of Intent to Grant an Exclusive License for U.S. Army-Owned Patents and Patent Application

**AGENCY:** Picatinny Arsenal, New Jersey, Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army announces, that unless there is objection, in fifteen days it will enter into an agreement that would grant Executive license to AZTECH, a non-profit New York corporation with a principal place of business at 2495 Main Street, Suite 418, Buffalo, NY 14214-2152, for U.S. Patent numbers 5,523,742 entitled Motion Sensor, 5,610,590 entitled Motion Sensor, 5,875,309 entitled Personal Motion Event Monitor, and for a United States patent application numbered 09/553,177 entitled Personal Event Monitor with Linear Omnidirectional Response.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Moran, Chief, Intellectual Property Law Division, AMSTA-AR-GCL, U.S. Army TACOM-ARDEC, Picatinny Arsenal, NJ 07806-5000, Telephone (973) 724-6590, e-mail: jfmoran@pica.army.mil

**SUPPLEMENTARY INFORMATION:** Written objections must be filed within 15 days from publication date of this notice in the **Federal Register**.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 01-4247 Filed 2-20-01; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of Intent To Adopt a Final Environmental Impact Statement

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice.

**SUMMARY:** The Army Corps of Engineers, Los Angeles District, has reviewed the Final Environmental Impact Statement (FEIS) prepared by the U.S. Department

of Transportation, Federal Highway Administration (FHWA), dated January 21, 2000, for State Route 125 South, between Otay Mesa and Spring Valley in San Diego, San Diego County, California. The Army Corps of Engineers intends to adopt all or a portion of the FEIS for purposes of compliance with the National Environmental Policy Act (NEPA).

**DATES:** Written comments must be received by March 23, 2001. This notice solicits comments on the Army Corps of Engineers intent to adopt the FEIS only.

**ADDRESSES:** U.S. Army Corps of Engineers, ATTN: CESPL-CO-R, San Diego Regulatory Field Office, 16885 West Bernardo Drive, Suite 300A, San Diego, California 92127. Comments may also be submitted, via electronic mail, to: [tdean@spl.usace.army.mil](mailto:tdean@spl.usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:** Mr. Terry Dean, San Diego Regulatory Field Office, at (858) 674-5386.

**SUPPLEMENTARY INFORMATION:** The proposed project is to construct a controlled access tollway from Otay Mesa Road to State Route 54 with interchanges at Route 54, future Mount Miguel Road, East "H" Street, Telegraph Canyon Road, Olympic Parkway, and Otay Mesa Road. From Olympic Parkway to SR-54, four lanes would be initially constructed, with grading for the ultimate configuration to accommodate eight mixed flow lanes (plus a truck climbing lane where needed), a wide median for possibly two future high occupancy vehicle (HOV) lanes or a transit facility. The ultimate typical roadbed would be approximately 194 feet in width. From Otay Mesa Road to Olympic Parkway, four lanes (plus a truck climbing lane where needed) would be initially constructed, with grading for the ultimate configuration to accommodate two additional mixed flow lanes, and a wide median for possibly two future HOV lanes or transit facilities. The ultimate typical roadbed would be approximately 170 feet in width. The project would be 11.2 miles in length and the total right-of-way would encompass approximately 760 acres. Impacts to aquatic resources would encompass an area of approximately 8.16 acres of wetlands (of which 0.24 acre is comprised of 34 vernal pools) and 2.15 acres of non-wetland waters of the United States (U.S.).

On April 19, 2000, the Caltrans submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act (CWA) to discharge fill material into 10.34 acres of waters of the U.S., including jurisdictional wetlands, to

construct a controlled access tollway from Otay Mesa Road to State Route 54 with interchanges at Route 54, future Mount Miguel Road, East "H" Street, Telegraph Canyon Road, Olympic Parkway, and Otay Mesa Road. Impacts to aquatic resources would encompass approximately 8.16 acres of jurisdictional wetlands (of which 0.24 acre is comprised of 34 vernal pools which are within the NEPA Scope of Analysis) and 2.15 acres of non-wetland waters of the U.S. Specifically, the main stem of the roadway would impact 7.21 acres of waters of the U.S., including 5.65 acres of wetlands and 1.56 acres of non-wetland waters of the U.S.; the East "H" Street interchange would impact 2.15 acres of wetlands; the Telegraph Canyon Road interchange would impact 0.39 acre of wetlands; and the Olympic Parkway interchange would impact 0.59 acre of non-wetland waters of the U.S.

Prior to the development of the Draft EIS (DEIS), several scoping meetings were held by the FHWA/California Department of Transportation (Caltrans) to identify local issues and areas of concern. On June 21, 1996, the DEIS was filed with the U.S. Environmental Protection Agency (EPA). The DEIS was circulated for public review from July 12 to September 3, 1996. During the public review period, the FHWA/Caltrans held a public hearing on August 15, 1996. A Supplemental DEIS was signed on March 29, 1999, and circulated for public review from April 9, 1999, until May 24, 1999. The purpose of the Supplemental DEIS was to address potential impacts on the Federally-listed Endangered Species (the Quino checkerspot butterfly) and to notify the public of several minor design and alignment changes to avoid or minimize Corps jurisdictional impacts and conform to existing topography. A public hearing was held by Caltrans/FHWA on May 12, 1999, relative to the Supplemental DEIS. The FEIS was signed by the FHWA on January 21, 2000, and circulated for public review from February 8, 2000, to March 20, 2000. On June 9, 2000, the FHWA signed the Record of Decision.

The Army Corps of Engineers' Regulatory Program at 33 CFR 320-330 requires compliance with the NEPA, the EPA's 404(b)(1) Guidelines, and a public interest evaluation. Accordingly, for purposes of the Army Corps of Engineers' compliance with the NEPA and to prevent duplication of effort, the Army Corps of Engineers intends to adopt all or a portion of the FEIS. However, we have determined further analysis is necessary to document compliance with our public interest requirements and the 404(b)(1)

Guidelines. We will be distributing a notice to the public of the receipt of an application by the Caltrans and solicit comments on the proposed project. An Environmental Assessment will be prepared to address the additional analysis and comments received in response to the Public Notice.

Comments concerning the Caltrans' proposed project must be provided in response to the Los Angeles District Public Notice of the project application, which we anticipate, will be circulated on February 16, 2001. This Public Notice can be obtained by submitting a written request to Mr. Terry Dean at the above listed address or by accessing our Internet web page at <http://www.spl.usace.army.mil>.

Dated: February 14, 2001.

**John P. Carroll,**

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 01-4291 Filed 2-20-01; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Transfer of Federal Lands to the State of South Dakota

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a DEIS will be prepared to conduct a comprehensive study of the potential impacts of the transfer of Corps of Engineers lands to the State of South Dakota for fish and wildlife purposes, or recreation uses, in perpetuity.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please contact Patsy Freeman, CENWO-PM-AE, U.S. Army Corps of Engineers, 215 North 17th Street, Omaha, Nebraska 68102-4978, telephone at (402) 221-3803, or E-Mail [patricia.l.freeman@usace.army.mil](mailto:patricia.l.freeman@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** As a result of section 605 of the legislation of the Water Resources Development Act (WRDA) Public Law 106-53, August 17, 1999, as amended by WRDA 2000, Title VI—Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act, the Secretary of the Army is required to transfer approximately 92,000 acres of land and

recreation areas at Lake Oahe, Lake Sharpe, Lewis & Clark Lake, and Lake Francis Case in South Dakota to the Department of Game, Fish & Parks of the State of South Dakota (SDGFP) for fish and wildlife purposes, or recreation uses, in perpetuity. These lands are located above the top of the exclusive flood pool levels of the Oahe, Big Bend, Fort Randall and Gavin's Point projects; were acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program; are located outside the external boundaries of a reservation of an Indian Tribe; and are located within the State of South Dakota. Section 605 also states that the following provisions of law shall apply to land transferred to the State: (1) The National Historic Preservation Act, (2) the Archaeological Resources Protection Act of 1979, and (3) the Native American Graves Protection Act and Repatriation Act.

Approximately 54 recreation areas will be transferred. WRDA 2000 requires transfer of recreation areas by January 1, 2002. The legislation also requires 42,000 acres of land to be transferred to the Department of the Interior to be held in trust for two Indian Tribes (Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe). That action is categorically excluded from preparation of a NEPA document and will occur separately.

1. Because the Corps of Engineers has no discretion with respect to transfer of the land, no reasonable alternatives to the transfer of land to the State of South Dakota exist as a result of the legislation associated with the action (WRDA, Public Law 106-53). The alternatives that will be discussed are (1) the transfer of all required lands to the State of South Dakota, and (2) the No Action alternative. NEPA requires consideration of the "No Action" alternative, which in this case would be no transfer (continued management by the Corps of Engineers). Implementation of the "No Action" alternative is not within the authority of the Corps. To rescind Public Law 106-53, congressional action would be required. Since there is no agency decision-making associated with this action, the EIS is being prepared for the purposes of public disclosure.

2. Nothing in the Title VI (title) diminishes or affects (a) any water right of an Indian Tribe; (b) any other right of an Indian Tribe, except as specifically provided in another provision of the title; (c) treaty right that is in effect on the date of enactment of this Act; (d) any external boundary of an Indian reservation of an Indian Tribe; (e) any authority of the State of South Dakota that relates to the protection, regulation,

or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in the title; or (f) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of the Act, including the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, the Fish and Wildlife Coordination Act, the Act entitled "An Act for the protection of the bald eagle" approved June 8, 1940, the Migratory Bird Treaty Act, the Endangered Species Act of 1973, the Native American Graves Protection and Repatriation Act, the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), the Safe Drinking Water Act, and the National Environmental Policy Act of 1969.

3. Public scoping meeting will be held on the following dates at the following locations: March 12, 2001 at 5PM at the Cedar Shore Resort, 1500 Shoreline Drive in Oacoma, SD; March 13, 2001 at the Wrangler Motor Inn, 800 West Grand Crossing in Mobridge, SD; March 14, 2001 at the Best Western Ramkota Hotel, 920 West Sioux Avenue in Pierre, SD; and March 15, 2001 at Dave's at the Best Western, 1607 East Hwy 50 in Yankton, SD. An Open House session will be held at 5 PM, with the formal session beginning at 7 PM.

Results from the public scoping meeting(s) with the District and Federal, State and local agency coordination will be addressed in the DEIS. Parties interested in receiving notices of public scoping meeting(s) or copies of the Scoping Document should contact Patsy Freeman at the above address.

4. Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to Colonel Mark E. Tillotson, District Engineer, at the above address.

5. Estimated Date of DEIS availability: July 2001.

**Candace M. Gorton,**

*Chief, Environmental and Economics Section, Planning Branch, Planning, Programs and Project Management Division.*

[FR Doc. 01-4248 Filed 2-20-01; 8:45 am]

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## DEPARTMENT OF ENERGY

[Docket No. EA-232]

### Application to Export Electric Energy; OGE Energy Resources, Inc.

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.